UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

BRIAN N. DRAKE,

Petitioner,

-v-

C.A. No. 04-11426(REK)

UBS FINANCIAL SERVICES, INC.,

Respondent.

ASSENTED TO MOTION TO RESCHEDULE SETTLEMENT CONFERENCE

The parties hereby submit this assented to motion to reschedule the settlement conference, currently scheduled for Friday, July 15, 2005, to Wednesday, July 27, 2005 at 10:00 a.m.

Dated: June 29, 2005

Respectfully submitted,

William A. Jacobson, Esq. (# 544791)

Shanna L. Pitts, Esq. (pro hac vice)

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Attorneys for Brian Drake

Certification of Counsel

On June 21, 2005, I received an e-mail from Michael Braun, Esq, counsel for respondent, who represented that he had no objection to the rescheduling of the settlement conference to July 27, 2005 at 10 a.m.

Shanna J. Hitts, Esq.

Karlin Dias

CERTIFICATION OF SERVICE

I hereby certify that on this 29th day of June, 2005, I served a true and correct copy of the foregoing, via facsimile, upon the offices of:

Kevin G. Mahoney, Esq. Menard, Murphy & Walsh LLP 60 State Street, 34th Floor Boston, MA 02109

Michael Braun, Esq. Schuyler, Roche & Zwirner, P.C. One Prudential Plaza 130 East Randolph Street Chicago, IL 60601